

B²

4. (Amended) The method of claim 1 wherein the solvent is selected from the group consisting of ethanol, isopropanol, methanol, acetone and diethyl ether.--

REMARKS

Claims 1-14 and 20-22 are presently pending in the application. Please note that claims 15-19 were cancelled in the Amendment filed January 26, 2000 in response to the restriction requirement without prejudice to the filing of a divisional application directed to the subject matter thereof.

Applicants wish to thank Examiner Susan Tran and Primary Examiner Gollamudi Kishore for the courtesy of the personal interview extended to the undersigned and one of the applicants Douglas E. Kligman, M.D., Ph.D. at the U.S. Patent Office on February 15, 2001. The substance of the interview is summarized in the enclosed Declaration of Douglas E. Kligman Under 37 C.F.R. §1.132. At the interview, the Examiners agreed that the prior art cited by the Examiner does not teach a method for effecting a superficial chemical skin peel comprising applying to the skin to be treated a solution of salicylic acid containing at least 15 wt % salicylic acid. However, as explained in the enclosed Kligman Declaration, Primary Examiner Kishore raised other possible questions of obviousness. The Kligman Declaration is submitted to address those questions.

In addition, claim 1 has been amended to address the issues raised by Examiner Kishore with respect to the solvent for the salicylic acid, the upper limit on the concentration in the solvent, and the effect of the solvent on penetration. Support for these amendments to claim 1 appears in the present application at page 6, lines 20-21 (upper limit is the saturation concentration in the solvent); page 7, lines 7-10 (relatively volatile solvents preferred); page 14, lines 14-23 (solvent allows the concentrated salicylic acid to be present as a solution on the surface of the skin for an effective residence time); page 14, lines 5-8 (sloughing off or exfoliating the stratum corneum); and page 13, lines 7-8 (with the viable epidermis remaining essentially intact). Claim 4 has been amended to delete propylene glycol from the list of preferred solvents, since propylene glycol is generally not considered to be a volatile solvent.

The Kligman Declaration is believed to be self-explanatory and will not be repeated herein. It is submitted that the Kligman Declaration not only presents evidence of unexpected results in response to the Examiner's rejections in the Office Action of October 3, 2000, but also addresses the additional issues of obviousness raised by Primary Examiner

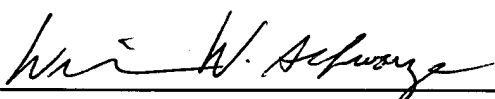
Kishore at the February 15 interview. Accordingly, reconsideration and withdrawal of the rejections for the reasons previously of record and further based upon the evidence submitted in the Kligman Declaration are respectfully requested.

For the Examiner's convenience there is submitted herewith a PTO-1449 form listing the references cited in and enclosed with the Kligman Declaration, even though most of the references are not prior art. Consideration of the references and initialling of the PTO-1449 form are requested.

In view of the above, it is submitted that all of the claims presently in the application are in condition for allowance, and an early Notice to that effect is respectfully solicited.

Respectfully submitted,
DOUGLAS E. KLIGMAN, ET AL.

May 11, 2001
(Date)

By: 
WILLIAM W. SCHWARZE
Registration No. 25,918
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
One Commerce Square
2005 Market Street - Suite 2200
Philadelphia, PA 19103-7086
Telephone: (215) 965-1200
Direct Dial: (215) 965-1270
Facsimile: (215) 965-1210
E-Mail: wschwarze@akingump.com

WWS:sc
Enclosure

Marked-Up Copy of Claims 1 and 4

1. (Amended) A method for effecting a superficial chemical skin peel which comprises topically applying to skin to be treated a solution of salicylic acid containing at least 15 wt % up to a saturation concentration of salicylic acid, based on the weight of the solution, in a dermatologically acceptable, volatile, liquid solvent which allows the salicylic acid to be present as a solution on a surface of the skin for a time sufficient to produce a chemical peel of stratum corneum of the skin with viable epidermis remaining substantially intact.

4. (Amended) The method of claim 1 wherein the solvent is selected from the group consisting of ethanol, isopropanol, methanol, acetone[,] and diethyl ether [and propylene glycol].